



# INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA SECRETARY OF STATE  
TITLE: POLITICAL ADVERTISEMENT  
CASE ID: 2018-05-0136  
DATE: June 4, 2018

*Inspector General Staff Attorney Kelly Elliott, after an investigation by the Inspector General's Director of Investigations, Darrell D. Boehmer, reports as follows:*

The Indiana General Assembly charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse, and wrongdoing in the executive branch of state government. IC 4-2-7-2(b). The OIG also investigates criminal activity and ethics violations by state workers. IC 4-2-7-3.

On March 8, 2018, the OIG received a complaint regarding an advertisement for a political candidate (the Candidate) which listed the Indianavoters.IN.gov webpage (the Webpage) as its web address. The reporting party provided a screen shot of the search that produced the advertisement. The advertisement was listed on Google and appeared based on the reporting party's search of the term "indianavoters." The title of the advertisement was, "IN.gov / Candidate for Congress! / Do You Have a Plan to Vote?"

OIG Director of Investigations, Darrell D. Boehmer, conducted an investigation into this matter. Director Boehmer found that the advertisement was no longer listed after May 8, 2018. He also determined that the Indiana Secretary of State (SOS) oversees the Webpage. He inquired with SOS regarding the Webpage and the advertisement.

SOS provided that their Election Division governs the Webpage. The Webpage serves as a resource for individuals to check their voter registration, voting status, and voting location. SOS confirmed that they did not purchase the advertisement for the Candidate and they did not authorize the use of the Webpage for the advertisement.

SOS provided that it is likely that the Candidate's campaign or a vendor developed the advertisement. SOS explained that what most likely occurred is that the Candidate's campaign or vendor ran an advertisement that would appear at the top of a page when someone searched "indianavoters." The Candidate's campaign or vendor was likely aware that voters would be checking information about their voting registration or location on May 8<sup>th</sup> and would be utilizing the Webpage or a search of the Webpage to do so. SOS provided that this practice does not appear to be illegal, but it does appear to represent a misleading campaign tactic. SOS notified Director Boehmer that they would report the incident to their Election Division as a possible campaign finance violation.

SOS explained that they regularly monitor their webpages for unofficial businesses attempting to charge public service fees for assistance with SOS applications and filings. SOS stated they attempt to get those webpages delisted or at least "knocked down" on a search page below the legitimate SOS webpage.

Director Boehmer also found that the Candidate's campaign website has a link to the Webpage. He determined that it is possible that Google combined information from the Candidate's website and the Webpage when they listed the advertisement.

Director Boehmer found no evidence that SOS was involved in the Candidate's advertisement or authorized the use of the Webpage in the advertisement. In addition, the Election Division would be conducting a further investigation. The Election Division has authority over the

candidates and their campaigns, which the Inspector General does not. For these reasons, the OIG is closing this case for insufficient cause. Should additional information be brought forward, the OIG may reexamine this initial evaluation.

Dated: June 4, 2018

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive style with a horizontal line at the end.

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Lori Torres, Inspector General